

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FIFTY-SIX HOPE ROAD MUSIC, LTD.,)
a Bahamian corporation; and ZION)
ROOTSWEAR, LLC, a Florida Limited)
Liability company,) 2:08-CV-00105-PMP-PAL

Plaintiffs

V.

A.V.E.L.A., INC., a Nevada corporation, SCI-FI PRODUCTIONS, INC., dba X One X Movie Archive, Inc., a Nevada corporation, JEM SPORTSWEAR, a California corporation, CENTRAL MILLS, INC. (Freeze), a New York corporation, and LEO VALENCIA, an individual,

Defendants.

ORDER

AND RELATED COUNTERCLAIM

Before the Court for consideration is Defendants' Motion to Bifurcate Trial (Doc. #205), filed on August 13, 2010. By this motion Defendants request that the first phase of trial address Defendants liability with respect to Plaintiffs' claim for trademark infringement under 15 U.S.C. § 1125(a) and liability on the Nevada Right of Publicity claim. The second phase of trial would address, if necessary, damages relating to the trademark claim.

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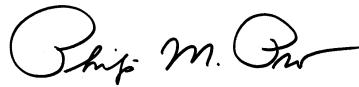
1 Plaintiffs' oppose Defendants' motion to bifurcate trial and argue that
2 Defendants have failed to demonstrate good grounds to warrant a bifurcated trial
3 under Rule 42 (b) of the Federal Rules of Civil Procedure. Additionally, Plaintiffs
4 argue that bifurcation of the trial would prejudice Plaintiffs as it would deprive them
5 of their legitimate right to place before the jury the circumstances of the entire cause
6 of action which they have brought.

7 Having read and considered Defendants fully briefed Motion to Bifurcate
8 Trial, the Court finds that Defendants have failed to establish that a bifurcated trial is
9 warranted in this case, or that bifurcation would serve the interests of convenience or
10 judicial economy.

11 **IT IS THEREFORE ORDERED** that Defendants' Motion to Bifurcate
12 Trial (Doc. #205) is **DENIED**.

13 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Leave to File a
14 Surreply in Opposition (Doc. #217) is **DENIED**.

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16 DATED: October 13, 2010.

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19 PHILIP M. PRO
20 United States District Judge
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